

App. Serial No.: 10/784,102

Atty. Docket No.: 0025-013

REMARKS

These remarks are in response to the Office Action dated March 17, 2009, which has a shortened statutory period for response set to expire June 17, 2009. A three-month extension, to expire September 17, 2009, is requested in a petition filed herewith.

Claims

Claims 1-5 and 7-70 are pending in the above-identified application. Claims 1-5 and 7-70 are rejected under 35 U.S.C. § 112. Claims 1, 9, 17, 21, 27, 39, 65, and 67 are amended, and Claims 71-81 are added. Claims 4, 15, 25, 36, 49, 52-53, 55-60, 63-64, 66, 69, and 70 are canceled. Claims 2, 5, 7, 16, 18-20, 22-23, 26, 28-30, 32-34, and 37 remain as originally filed, and Claims 3, 8, 10-14, 24, 31, 35, 38, 40-48, 50-51, 54, 61-62, and 68 remain as previously presented. Reconsideration is requested.

Rejections Under 35 U.S.C. § 112, first paragraph

Claims 4, 25, 36, 51, 55, 59, 62, 64, 65 and 69 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement.

Claims 4, 25, 36, 55, 64, and 69:

Claims 4, 25, 36, 55, 64, and 69 are canceled herein so as to obviate the rejections of those claims. Therefore, Applicants respectfully request withdrawal of the rejections of Claims 4, 25, 36, 55, 64, and 69 under 35 U.S.C. § 112, first paragraph.

Claim 15, which was similar to Claim 4, is also canceled herein.

Claims 51, 59, 62, and 65:

Regarding Claims 51, 59, 62, and 65, the Examiner writes the following:

Claims 51, 59, 62, and 65 all contain the limitation that the protective cover is retained by the spacer on the camera integrated circuit chip. The limitation lacks support in the specification.

If the spacer is the spacer of p. 5, there is no support in the specification for the spacer even touching the protective cover 33 (Fig. 1), let alone resting on top of the protective cover. If the spacer is the spacer of p. 10, there is no support for the protective cover being a separate thing from the spacer. (p. 10, ll. 14-15). If

App. Serial No.: 10/784,102  
Atty. Docket No.: 0025-013

the glass spacer is inserted between the lens and the chip, the protective cover is eliminated. (Examiner's emphasis)

Applicants respectfully traverse in part and request reconsideration in part.

As amended herein, Claims 1, 9, 17, 27, and 39 are amended to be directed at the spacer described on page 5. Additionally, Applicants respectfully aver that Claims 51, 59, 62, and 65 are supported by the original specification at least at page 9, lines 3-14; page 5, line 28 to page 6, line 1; and page 8, lines 20-22. Therefore, because Applicants' original specification supports Claims 51, 59, 62, and 65, Applicants respectfully request reconsideration and withdrawal of the rejections of Claims 51, 59, 62, and 65 under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 1, 4, 9, 17, 21, 25, 27, 36, 39, 49, 53, 55, 57, 58, 60, 63 and 65-67 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants respectfully request reconsideration in view of the amendments made herein.

Claims 1, 9, 17, 27, and 39:

Regarding Claims 1, 9, 17, 27, and 39, the Examiner writes (in part):

**As to claims 1, 9, 17, 27 and 39, the claims are vague and indefinite because it is not entirely clear which spacer the claims are referring to.**  
... (Examiner's emphasis)

Independent Claims 1, 9, 17, 27, and 39 are amended herein to be directed to a spacer as described at page 5. For example, amended Claim 1 now recites (in part) "a molding made on the camera integrated circuit chip ..., the molding defining a recess and a spacer..." Similarly, Claim 9 recites (in part) "a holder made at least partially on the camera integrated circuit, the holder defining a spacer...", and Claim 17 recites (in part) "molding a receptacle over an integrated circuit ..., the receptacle defining a spacer ..." Additionally, Claim 27 recites (in part) "a spacer" and wherein "the spacer is an integral portion of the lens assembly receiving apparatus." Finally, Claim 39 recites (in part) that "the component molded on the camera

App. Serial No.: 10/784,102

Atty. Docket No.: 0025-013

integrated circuit chip includes a means for separating the lens and the camera integrated circuit chip." Therefore, Applicants respectfully aver that amended Claims 1, 9, 17, 27, and 39 are clear and definite and respectfully request reconsideration and withdrawal of the rejections of Claims 1, 9, 17, 27, and 39 under 35 U.S.C. § 112, second paragraph.

Claims 4, 25, 36, and 55:

Claims 4, 25, 36, and 55 are canceled herein so as to obviate the rejections of those claims. Therefore, Applicants respectfully request withdrawal of the rejections of Claims 4, 25, 36, and 55 under 35 U.S.C. § 112, second paragraph.

Claims 21, 49, 53, 57, 58, 60, 63, and 65-67:

Regarding Claims 21, 49, 53, 57-58, 60, 63, and 65-67, the Examiner writes (in part) the following:

The above claims all contain some variation of the limitation from claim 49 that the spacer is part of the molding. The claims all depend from an independent claim that puts the spacer within the recess included in the molding as in claim 1. It is very confusing how a spacer could be within a recess formed by and molding, and also be a part of the molding that forms said recess. For a thing to be in a recess formed by a second thing it doesn't seem like it can be part of that second thing.

Claims 49, 53, 57-58, 60, 63, and 66 are canceled herein, thereby obviating the rejection of those claims.

Claims 21, 65, and 67 are amended herein to address the concerns raised by the Examiner. In particular, amended Claim 21 now recites (in part) only that "the spacer is a projection that fixes the distance of the lens assembly from the integrated circuit." Therefore, Applicants respectfully aver that Claim 21 is clear and definite because it no longer indicates that the spacer is located within the "recessed portion."

Regarding Claims 65 and 67, base Claim 27 is amended to remove the phrase "within the lens assembly receiving apparatus." Additionally, Claim 65 is amended to remove the phrase "the spacer is part of the lens assembly receiving apparatus." Therefore, Applicants respectfully aver that amended Claims 65 and 67 are also now clear and definite.

App. Serial No.: 10/784,102  
Atty. Docket No.: 0025-013

For the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejections of Claims 21, 65, and 67 under 35 U.S.C. § 112, second paragraph.


New Claims:

New Claims 71-81 are added. Claim 71 includes limitations directed to the spacer embodiment of the invention described at page 10. Support for new Claims 71-81 is provided in Applicants' specification at least at page 10, lines 9-15 and page 9, lines 3-14. No new matter is added.

For the foregoing reasons, Applicants believe Claims 1-3, 5, 7-14, 16-24, 26-35, 37-48, 50, 54, 61-62, 65, 67, and 69-81 are in condition for allowance. Should the Examiner undertake any action other than allowance of Claims 1-3, 5, 7-14, 16-24, 26-35, 37-48, 50, 54, 61-62, 65, 67, and 69-81, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicants' attorney at (269) 279-8820.

Respectfully submitted,

Date: 9/17/09

  
Larry E. Henneman, Jr., Reg. No. 41,063  
Attorney for Applicant(s)  
Henneman & Associates, PLC  
70 N. Main St.  
Three Rivers, MI 49093

**CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile, on the date shown below, to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (571) 273-8300.

Date: 9/17/09

  
Larry E. Henneman, Jr.